

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 97,078-O)**

PATENT

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|---------------------------|---|---|-----------------------------|
| In application of: | |) | |
| | |) | |
| | Gocke <i>et al.</i> |) | Before the Examiner: |
| | |) | K.R. Horlick |
| Serial No. | 10/646,397 |) | |
| | |) | |
| Filed: | August 22, 2003 |) | Group Art Unit: 1637 |
| | |) | |
| For: | Detection of Extracellular Tumor- |) | |
| | Associated Nucleic Acid in Blood |) | |
| | Plasma or Serum using Nucleic Acid |) | |
| | Amplification Assay |) | |

TERMINAL DISCLAIMER

Petitioner, **THE PENN STATE RESEARCH FOUNDATION**, is the owner of the entire interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,939,675. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,939,675 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 6,939,675, as presently shortened by any terminal disclaimer, in the event that U.S. Patent No. 6,939,675 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

The undersigned representative has reviewed the assignment documents in the chain of title from the original owner to the assignee and certifies that, to the best of the undersigned's knowledge and belief, title is in the assignee seeking to take the action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DATE September 6, 2006

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